

Civilian Personnel
POSITION CLASSIFICATION APPEALS AND ORAL COMPLAINTS

History. This is an electronic version of this publication.

Summary. Joint Readiness Training Center (JRTC) and Fort Polk (FP) Regulation 690-12 establishes Fort Polk policies, procedures, and guidance as pertains to position classification appeals and oral complaints.

Applicability. This regulation applies to all units and activities assigned or attached to the JRTC and Fort Polk. The pronouns he, his, and him used in this regulation are intended to include both the masculine and feminine genders. Any exceptions will be so noted.

Proponent and Exception Authority. The proponent agency for this regulation is Civilian Personnel Advisory Center (AFZX-CPAC), Fort Polk, Louisiana 71459-5000. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Supplementation. Supplementation and establishment of command publications and local forms are prohibited without prior approval from the Directorate of Information Management (DOIM), Administrative Services Division, Building 330,

Suite 111, 1820 Corps Road, Fort Polk Louisiana 71459-3908.

Suggested Improvements. Users of JRTC & FP Regulation 690-15 are invited to send comments and suggested improvements on Department of the Army (DA) Form 2028, Recommended Changes to Publications and Blank Forms directly to the Civilian Personnel Advisory Center, AFZX-CP-LMERT, Fort Polk, Louisiana 71459-5000.

FOR THE COMMANDER:

OFFICIAL: MICHAEL V. CHURCH
Colonel, GS
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/s/
PAUL JACKSON
Director, Information Management

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***This regulation supersedes JRTC & FP Reg 690-12, dated 26 April 1994.**

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1. Purpose. This regulation establishes Fort Polk policies, procedures, and guidance as pertains to position classification appeals and oral complaints.
2. Policy. All civilian employees have the right to seek adjustment to the title, series, grade, and/or pay category of their positions without restraint or fear of reprisal or future prejudice.
3. Exclusions. Matters that may not be appealed under this regulation are as follows:

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a. The accuracy of the official position description, including the inclusion or exclusion of a major duty. This issue will be resolved between the employee and appropriate supervisor(s). If necessary, the activity commander or his designated representative will decide on current and future duties and responsibilities of the position. If an appeal involves both the accuracy of the job description and the classification, the accuracy of the job description must be resolved before the appeal can be processed.

b. An employee may not appeal Office of Personnel Management (OPM) position classification and job grading standards, Department of the Army/Department of Defense (DA/DOD) classification guidance, or wage schedules and rates.

c. An employee may not appeal the classification of a position to which he is detailed or temporarily promoted, except that an employee serving under time-limited promotion for 2 years or more may appeal.

d. An employee may not appeal the accuracy, consistency, or use of agency supplemental classification guides.

e. An employee may not appeal an assignment or detail outside the scope of duties in his official position description.

f. An employee may not appeal an agency's proposed classification decision.

g. An employee may not appeal the series, pay system, grade, or title of a position to which he is not officially assigned.

h. This regulation does not apply to matters properly handled under Grievance, Adverse Action, or Negotiated Grievance Procedures.

i. An employee may not use these procedures when the classification of his official position meets the following:

(1) Is, or without major changes has been, the subject of an appeal through OPM channels, or

(2) Is being, or has been, considered in the course of an adverse action appeal.

4. Explanation of Terms. For the purpose of this regulation, the following definitions apply:

a. Position. The duties and responsibilities which make up the work performed by an employee.

b. Position Description. The official description of management's assignment of duties, responsibilities, and supervisory relationships to a position.

c. Classification Action. The decision classifying a position to a pay plan, occupational series, grade, and title in accordance with approved position classification or job grading standards.

d. Personnel Action. Action taken to place an employee in a position or remove an employee from a position, e.g., by appointment, promotion, reassignment, demotion, or separation.

e. Oral Classification Complaint. An employee's informal request for review, at the activity level, of the pay category, title, series, or grade of his position.

f. Classification/Job Grading Appeal.

(1) Within DA, an employee's formal request for a change to his official pay category, title, series, or grade.

(2) To OPM, a written request by an employee or by an agency, under Title 5, United States Code (5 U.S.C.) 5103, 5112, or 5346, asking OPM to review the classification of a position.

g. Classification Certificate. A final decision issued by OPM on the classification of a position. The certificate is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.

h. Activity Commander. The Commander, Headquarters, Joint Readiness Training Center (JRTC) and Fort Polk, and/or the commanders of those activities operating under a servicing agreement with the CPAC.

5. Responsibilities.

a. Activity Commanders. Commander, Headquarters, JRTC and Fort Polk, and commanders of serviced activities are responsible for ensuring that employees are accorded full opportunity to obtain information on reasons for position management and classification actions and to seek adjustments in the titles, codes, or grades of their positions.

b. Line Managers and Supervisors. Management officials, both military and civilian, are responsible for the following:

(1) Reporting proposed changes in duty assignments prior to effecting the actions, and obtaining position management and classification support from the CPAC staff to preclude misassignments.

(2) Ensuring that job descriptions accurately reflect the duties and responsibilities assigned to their subordinates, and properly utilizing the employee detail procedure for brief periods of change in assignments.

(3) Providing an explanation of changes in job evaluation to employees, with the assistance of the CPAC staff.

c. Director of Civilian Personnel Advisory Center. The Personnel Officer or his representative is responsible for assisting supervisors in explaining

classification actions to employees who file an oral classification complaint; and for providing regulatory and procedural aid to employees who file a classification appeal.

6. General Provisions.

a. An employee may file a classification complaint or appeal at any time; but the complaint or appeal must relate to the official position currently occupied, as shown on the Standard Form (SF) 50, Notification of Personnel Action (see para 3c, Exclusions).

b. A General Schedule (GS) employee may appeal either to the Army appellate level (DOD Civilian Personnel Management Service), or directly to OPM without further appeal rights.

c. A Federal Wage System (FWS) or wage grade employee must first appeal to the Army appellate level. If dissatisfied with the DA/DOD decision, the employee may then appeal to OPM under the provisions of the Operating Manual, Federal Wage System (FWS). An FWS employee may appeal directly to OPM when he believes the position should be under the General Schedule.

d. Nonappropriated Fund (NAF) employees are not covered by this regulation. Nonappropriated Fund employees are covered by Army Regulation (AR) 215-3.

e. If an official personnel action is taken that results in a loss of grade or pay to an employee, the employee may be entitled to retroactive benefits. An employee must file an appeal within 15 days of the effective date of the personnel action to preserve his retroactive rights.

f. The classification of an unmodified DA published standardized job description is subject to oral classification complaint and classification appeals procedures; however, a decision changing the classification may be made only by Headquarters, Department of the Army (HQDA) or DOD.

g. The DOD Civilian Personnel Management Service (CPMS) is responsible for adjudicating position classification appeals submitted by GS and FWS employees. This coverage does not include appeals filed by Civilian Intelligence Personnel Management System (CIPMS) employees. Civilian Intelligence Personnel Management System appeals will continue to be processed in accordance with AR 690-13, CIPMS-Policies and Procedures, Chapter 3-13, Position Management and Classification, Formal Appeal Procedures. All classification appeals should be forwarded to the following address:

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Civilian Personnel Management Service
1735 Jefferson Davis Highway, Suite 300c
Arlington, VA 22202-3401

7. Representation. An employee has the right to be helped in preparing and presenting an oral classification complaint or position/job classification appeal by a representative of his own choosing. The representative may not be a member of the servicing CPAC staff, a supervisor or manager in the employee's command channels, or a member of the DOD CPMS.

a. If management or an employee requests a job audit, a representative may be present at the job audit when all of the following conditions are met:

(1) The CPAC or his representative must believe that the resolution of the questions may affect the pay category, title, series, or grade of the position.

(2) The accuracy of the official position must have been questioned.

(3) The employee or his representative must specifically request, in writing, the presence of a representative.

b. The presence of an employee representative in no way affects the authority and responsibility of management to:

(1) Prescribe prospectively the duties and responsibilities of each civilian position, and

(2) Make the evaluation determinations required.

8. Procedures.

a. Oral Classification Complaint.

(1) An employee may make an oral classification complaint at any time; but it must relate to the official position currently occupied, as shown on the SF 50. An oral classification complaint may not be used to compute retroactive pay. Employees are encouraged to make an oral complaint before filing an appeal, but this is not required.

(2) An employee should present an oral classification complaint to his supervisor. The supervisor will discuss the matter with the employee and explain how the position was evaluated. The CPAC, Classification and Staffing Division, will assist, as needed. If the employee is satisfied, no further action is needed. If a change in pay category, title, series, or grade is necessary, the change will be made promptly. If the employee is not satisfied, he may proceed with a formal classification appeal.

b. Position Classification Appeals within Army/DOD.

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(1) Designated appellate agencies will decide whether to grant or deny an appeal, in whole or in part, based on the case record. There is no provision for a personal appearance by the appellant or a representative at the appellate level. Appellants and their representatives may reasonably draw on the CPAC for regulatory and procedural aid. They may also examine classification standards or records that relate to their case.

(2) Appeals will be forwarded, in four copies, through supervisory channels to the Activity or Installation Commander, ATTN: Civilian Personnel Advisory Center. The appeal must be in writing and contain all required information. See Appendix B for required classification appeals documentation. This data should be incorporated into the sample memorandum format provided at Appendix C. On receipt of an appeal, IAW CPMS guidance, the CPAC will attach or provide the following:

(a) A copy of the official position description and evaluation statement. If the appealed position is supervisory, include copies of position descriptions and evaluation statements of subordinate positions used to determine base level of work. If subordinate positions include military or NAF employees, include the equivalent GS/FWS grades.

(b) Functional organizational information, e.g., organizational charts, mission and function statements, etc.

(c) A current (not older than 90 days) signed statement from the immediate supervisor or higher management official certifying that the official position description or core document is complete and accurate.

(d) A copy of the appellant's latest SF-50.

(e) The activity and/or component response to any classification issues presented in the appeal.

(f) A copy of the official position description or core document and evaluation statement of the appellant's immediate supervisor, if applicable.

(g) Performance standards for the position.

(h) Any supplementary information bearing on the position's duties and responsibilities.

(i) Name and telephone number of a point of contact with the servicing personnel office.

(3) If the accuracy of the job description must be resolved, the employee is not required to sign a statement that the job description accurately describes past duties. Instead, the Commander or his designee will issue a directive stating that current and future performance will conform to the description.

(4) Procedures are as follows:

(a) The appellant or his representative will be notified that the material being attached may be reviewed and further comments added. The completed appeal will be endorsed by, or for, the Activity Commander; two copies will be sent promptly to the appellate authority. If the CPAC, acting for the local commander, decides that the requested classification change is valid, the change will be made and the case closed.

(b) Every effort will be made to issue a decision within 60 calendar days after the appeal was first filed with the supervisor.

(c) The DOD CPMS will forward appeal decisions directly to the employee and furnish information copies to the servicing personnel office and component headquarters. The CPAC will advise the appellant of further appeal rights, if necessary, and applicable time limits.

(5) Under the Managing Civilians to Budget (MCB) concept, certain supervisors/managers have been delegated position classification authority for the positions in their activities. These supervisors/managers are designated "MCB Supervisors", and have the authority to approve/disapprove position classification actions recommended by the CPAC. Because the MCB supervisor has final authority and responsibility for classification of positions under his control, classification appeals will be processed jointly by the supervisor with advice and assistance from the CPAC. Where the supervisor has not accepted the CPAC advisory opinion, the supervisor will be responsible for developing documentation to support his determination, with advice and assistance from the CPAC. In all other appeal cases, documentation will be accomplished by the CPAC in consultation with the supervisor. Additional procedures to be used by FORSCOM installations are as follows:

(a) When an appeal is received, the CPAC will prepare the appeal package as required by CPMS.

(b) Prior to requesting a review of the appeal package by the appellant or his representative, the package will be provided to the MCB supervisor for review. If there is a current allocation signature by an MCB supervisor on the job description, a statement signed by the MCB supervisor will be added to the package indicating his concurrence with the CPAC advisory. If the job description contains the signature of an authority prior to MCB, the current MCB supervisor will reallocate the position.

(c) Upon completion, the CPAC will continue processing of the appeal as prescribed in subparagraphs (4) (a) thru (c) above.

c. OPM Position Classification Appeals.

(1) A GS employee may file an appeal with OPM at any time. An FWS employee may file an appeal with OPM only after receipt of an unfavorable Army appeal decision. Appeals must be in writing, and whenever possible, the employee and his supervisor should agree on the duties and responsibilities in the official position description. Any disagreements must be resolved before the appeal is filed.

(2) Employee appeals must be in writing and must include the following:

(a) Employee's name, mailing address, and office telephone number.

(b) Employing department or agency, and location within the agency (installation name, mailing address).

(c) Exact location of the employee's position within the agency (e.g., directorate, division, branch, section, unit).

(d) Employee's current position title, pay plan, occupational series, and grade.

(e) Requested position title, pay plan, occupational series, and grade.

(f) A copy of the employee's official position description, along with a statement concerning its accuracy. If the employee believes the position description is not accurate, the employee must provide his own description of the work currently being performed and show what steps have been taken to have the official description changed.

(g) Reasons why the employee believes the position is erroneously classified. The employee should refer to position classification or job grading standards which support the appeal and should state specific points of disagreement with the agency's evaluation statement. The employee may also include a statement of facts that he thinks may affect the final classification decision.

(h) Name, address, and business telephone number of the employee's representative, if any.

(3) When the agency or the local CPAC forwards an employee's appeal to OPM, it will ensure that the record contains all of the information listed above. It will also provide an administrative report containing specific information needed to complete the documentation necessary for the review process.

d. Actions to be Taken During the Conduct of an Appeal.

(1) An employee must cooperate in the adjudication of an appeal by promptly furnishing information requested by OPM. Information requested will be forwarded within 15 calendar days from the date of the letter, unless a longer period is granted by OPM.

(2) The Office of Personnel Management will:

(a) Upon acceptance of an appeal, send a letter of acknowledgment to the employee (or the employee's representative) and to the employing agency. The OPM will make any necessary inquiries to ascertain the nature and scope of the duties, responsibilities, and qualification requirements of the position. Additionally, the OPM will determine if there is a need for onsite review of the position. This determination is totally at the discretion of the deciding official.

(b) Upon completion of its review, issue a classification certificate specifying the decision on the appeal. Copies will be provided to the employee (or the employee's representative) and to the employing agency.

(3) The employing agency will:

(a) Provide all information requested by OPM within 15 calendar days, unless a longer time is granted by OPM. If the requested information is not received within a reasonable time, the OPM may adjudicate the appeal on the basis of information contained in the record. Upon notification that an appeal has been accepted by OPM, the agency will cancel any classification appeal pending under agency procedures. If the appellant leaves the position being appealed (e.g., by promotion, reassignment, separation), the agency will notify OPM of the change.

(b) When an appeal is directed to OPM through the agency, review the employee's request and issue an appeal decision within 60 calendar days. If the agency agrees with the classification requested by the employee, it will take appropriate corrective action and close the appeal. If the decision is unfavorable or if the review is not completed within 60 days, the appeal must be forwarded to the OPM. If the agency does not have authority to act on the appeal (e.g., the appealed position is a position previously certified by OPM), it will forward the record to the OPM as soon as possible. The agency will notify the employee in writing when it forwards the appeal to the OPM.

9. Effective Dates of Position Classification actions.

a. Agency Classification Actions.

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(1) The effective date of any action required by a classification decision on an appeal by a GS employee will be not earlier than the date of the decision nor later than the beginning of the fourth pay period after the decision.

(2) When filed by an FWS employee, the effective date will be not later than the beginning of the first day period after the 60th calendar day from the date the appeal was filed with the employee's supervisor.

(3) An agency position classification action resulting from an OPM classification appeal decision takes effect on the date an agency official with delegated authority approves the classification, but not later than four pay periods after the position is classified. If the agency cannot effect the personnel action within this time frame, permission for an extension of the deadline must be obtained from OPM. The agency may not make a classification action effective retroactively.

(4) In determining when an employee's pay entitlements begin, the effective date of the personnel action (SF 50) that appoints or assigns the employee to the reclassified position, not the date of the classification action, is used.

b. Implementation of OPM Certificates. A certificate issued by OPM under 5 U.S.C. 5103, 5110, or 5112, is effective no earlier than the date of the certificate and no later than the beginning of the fourth pay period which begins after that date, unless a later date is specified in the decision.

c. Retroactive Effective Date for Correction of Wrongful Demotion.

(1) An appeal decision which corrects a wrongful demotion is effected retroactive to the date of the demotion, if an agency effects a classification action resulting in actual loss of grade or pay to the employee and when all of the following conditions are met:

(a) The appellate decision must reverse in whole or in part a classification action that led to a downgrade or loss of pay. The appeal must find that the wrongful demotion was based on a classification error. The appeal decision must be based on duties and responsibilities assigned and performed at the time of the adverse action and not on duties and responsibilities assigned later.

(b) The employee must file the classification appeal in a timely manner, e.g., with the agency or OPM no later than 15 calendar days following receipt of written notification of a final agency administrative decision or 15 calendar days after the

effective date of the agency personnel action, whichever is later; and, if initially filed with the agency and the agency's decision is unfavorable, the subsequent appeal to OPM must be filed no later than 15 calendar days after receipt of the agency's decision.

(c) The employee must not be eligible for retained grade or pay.

(2) When an appeal decision places a position in a higher grade than that which existed before the downgrading occurred, the grade of the position immediately before the downgrading is to be restored retroactively if the above conditions are met. The effective date of the remainder of the upgrading required by the appeal decision is governed by paragraph 9b above.

10. Finality Of Decisions. Appeal decisions by OPM, HQDA/DOD, and commands with appellate authority are binding for all positions involved. Such decisions will be treated by all Army representatives as the official DA position. An OPM appellate decision constitutes a certificate which is mandatory and binding on administrative, certifying, payroll, disbursing, and accounting officers of the Government. An OPM decision is not subject to further appeal.

11. Cancellation Of Appeals. Appeals will be canceled as follows:

a. Upon the employee's written request.

b. When the employee is no longer assigned to the position which is under appeal, and there is no possibility of retroactive benefits (a temporary assignment to a different position will not be cause to cancel an appeal).

c. If the employee fails to provide requested information, or otherwise fails to cooperate in the adjudication of the appeal.

12. Reopening Appeals.

a. No classification appeal may be reopened within DA after being canceled due to the appellant's failure to submit requested information within the time allowed, unless the appellant can show that circumstances beyond his control prevented prosecution of his appeal. No classification appeal may be reopened within DA after the decision has been made, unless the appellant presents new and important facts.

b. An appeal may be reopened by DOD. An appellant, who wants an appeal reopened, will submit a request in the same way as the original appeal. The

request will include the complete file of the original appeal, new facts to justify reopening the case, and a cover memorandum identifying it as a request to reopen the appeal.

c. Either the agency or the employee may request reconsideration of an OPM appeal decision. A decision may be reopened and reconsidered when written information is presented, within 45 calendar days of the date of the decision, that establishes reasonable doubt as to the technical accuracy of the decision or provides evidence that material facts were not considered in the initial appeal. To establish reasonable doubt, the requester should refer specifically to the decision and the classification standards to demonstrate possible error in the evaluation of the position.

13. Where To Submit Appeals.

a. DA/DOD Appeals.

DOD Civilian Personnel Management Service
1735 Jefferson Davis Highway, Suite 300c
Arlington, VA 22202-3401

b. OPM Appeals.

OPM Dallas Field Service Office
1100 Commerce Street
Dallas, TX 75242
(This location services employees in Arizona, Arkansas, Colorado, Louisiana, Montana, New Mexico, Oklahoma, Texas, Utah, and Wyoming.)

APPENDIX A

REFERENCES

1. Department of the Army Pamphlet 690-14, Position Management and Classification.
2. AR 215-3, Nonappropriated Fund Personnel Policy and Procedures.
3. AR 690-13, CIPMS - Policies and Procedures.
4. Army Regulation 690-500, Position Classification, Pay and Allowances, Chapter 511, Subchapter 6, Classification Appeals.
5. Operating Manual, Federal Wage System, Subchapter S7, Job-Grading Appeals.
6. 5 Code of Federal Regulations (CFR), Part 511, Classification Under the General Schedule, Subparts F and G.
7. 5 CFR, Part 532, Prevailing Rate Systems, Subpart G.

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8. Office of Personnel Management Introduction to the Position Classification Standards, Appendix 4, Position Classification Appeals.

APPENDIX B

DOD CIVILIAN PERSONNEL MANAGEMENT SERVICE REQUIRED CLASSIFICATION APPEALS DOCUMENTATION

1. Individual/Group Appeals. Individual/Group appeals must include the following:

a. Appellant/Representative Identification. The appellant's name, mailing address, office telephone and fax numbers. Group appeals must identify all members of the group by name, mailing address, office telephone and fax numbers. Group appeals must also include a signed statement from all members designating the representative, if any.

b. Employer/Position Address. Employing component and the exact location of the appellant's position within the component (installation name, mailing address, organization, division, branch, section, unit).

c. Current and Requested Position Information. Appellant's current and requested position title, pay plan, occupational series, and grade.

d. Copy of Official Work Description and Accuracy Statement. A copy of the position description or core document to which the appellant is officially assigned, along with a certified statement concerning its accuracy.

e. Technical Rationale. Reasons why the appellant believes the position classification is in error. The appellant should refer to position classification standards that support the appeal, and should state specific points of disagreement with the evaluation statement. The appellant may also include a statement of facts that he thinks may affect the final classification decision.

f. Appellant Claims of Classification Inconsistency. If claimed, appeal files must include: title, series, and grade of positions believed classified inconsistently with the appellant's. The positions cited must be performing the same grade-controlling duties as the appellant's position. Specific location of the positions, including the activity and organization to which they are assigned and, if possible, the names of employees encumbering the cited positions. The rationale for citing the positions, including evidence that the cited positions are essentially identical to the appellant's position.

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g. Appellant Representative Address. Name, address, business telephone and fax numbers of the appellant's or group's representative, if any.

h. Servicing Activity Address. Name, address, business telephone and fax numbers of the servicing activity personnel office point of contact, if the appellant files the appeal directly with CPMS or OPM.

(The above data/documentation is provided by the appellant.)

2. Servicing Activity Administrative Report.

Include all the above information as part of the record. Additional information to be provided with the case is as follows:

a. Appealed Position Documentation. Complete identification of the appealed position, including copy of the official position description and evaluation statement. If the appealed position is supervisory, include copies of subordinates' position descriptions and evaluation statements used for determining the base level of work. If subordinate positions include military or local national employees, include the equivalent GS/FWS grades.

b. Appealed Position Organization Documentation. The exact location within the Component, including accurate organization charts, and mission and functional statements.

c. Statement of Accuracy. A current (not older than 90 days) signed statement from the immediate supervisor or higher management official certifying that the official position description or core document is complete and accurate.

d. Official Personnel Action. A copy of the appellant's latest SF-50.

e. Response to Appellant Issues. The activity and/or component response to any classification issues presented in the appellant's appeal.

f. Other Information. Any supplementary information bearing on the position's duties and responsibilities.

g. Supervisory Documentation. A copy of the official position description or core document and evaluation statement of the appellant's immediate supervisor, if applicable.

h. Performance Standards. Performance standards for the position (not the performance evaluation of the appellant).

i. Servicing Activity Contact. Name and telephone number of a point of contact within the servicing personnel office.

(The above data/documentation is provided by the servicing personnel office.)

APPENDIX C

SAMPLE MEMORANDUM FOR A CLASSIFICATION APPEAL

This format may be used by an employee submitting a classification appeal through DA channels. The appellant should ensure all data required by Appendix B, Para 1, is included.

Office Symbol (310-1e)

Date

MEMORANDUM FOR CDR, Fort Swampy, ATTN: AFZX-CP
(CPAC), Fort Swampy, LA
71459-6000

SUBJECT: Position Classification Appeal - Ms Jane Doe

I hereby appeal the classification of the position to which I am now officially assigned. Information required by AR 690-500, DA Pamphlet 690-14, and DOD Civilian Personnel Management Service is provided as follows:

a. My organizational location is: Directorate of Logistics, Supply Division, Installation Property Branch, Fort Swampy.

b. My current job number and classification are: Job Number 2000, and Supply Clerk, GS-2005-04.

c. I request the following job classification: Supply Technician, GS-2006-6.

d. My reasons for this request are as follows: My job has changed in recent years, and I am now responsible for management of five separate property books, and numerous hand receipts (some exceeding \$2 million).

SIGNATURE